

REMARKS/ARGUMENTS

1) Applicants respectfully request that the term of response to the Office action be extended two months pursuant to 37 CFR 1.136 by payment of the required fee (attached by the duplicate copy of a deposit account fee sheet authorization).

2) Claims 30-42 and 56-59 remain in this application.

3) Claim rejection - 35 USC § 112

It is believed that the amendments requested to claims 30, 31 to 34, 37, 39 to 42 and 56 to 59 address the objections raised by the Examiner, which are therefore moot:

- The elements of Claim 30 have been re-arranged so as to clearly set forth the claimed subject matter;
- In claims 31, 34, 41, 42, the lack of antecedent for the “channel”, “the space”, “the rotor” has been remedied;
- In claim 33, “collection container” has been specified by “additional” so as to remove any possible confusion between the collection container claimed in claim 30 and the collection container claimed in claim 33;
- In claim 37, “collection container” has explicitly been referred to as the “collection container” claimed in claim 1;
- In claims 39, 40, “openable seal” has been substituted for the allegedly unclear wording “weak seal”; in claim 39, “between” has been substituted for the allegedly unclear wording “connecting”; and
- Claims 56 to 59 have been properly attached to claim 30.

On the other hand, we have not amended the expression “an annular chamber having an outer and an inner circumferences” for failing to find a more appropriate one. However, we think that, by definition, any annular object, whatever the angle under which it is seen, comprises an outer periphery and an inner periphery.

4) Claim rejection - 35 USC §102(b)

A - Claims 30-42 and 56-59 are rejected under 35 U.S.C. 103(b) as being anticipated by Holmes et al (later HOLMES).

In what follows, we have assumed that the document contemplated by the Examiner is US 5,738,644.

HOLMES shows and describes in detail a separation container for an apheresis machine (see figures 2, 8, 9B, 16 to 23B, and column 38 - line 12, to column 46 - line 34.

The separation container of HOLMES ("blood processing vessel 352") has the shape of closed belt forming a somewhat circular loop (see figure 8) adapted to fit within the rotor of a centrifuge. This separation container comprises an inner flat sidewall 372 and an outer substantially flat sidewall 376 defining therebetween a separation chamber having a rectangular, flat, cross-section (see figure 18). The inner sidewall 372 and the outer sidewall 376 are substantially parallel to the axis of rotation of the rotor when the separation container is mounted in the rotor.

It is immediately apparent from figure 18, that the separation container of HOLMES does not comprise "a distribution channel attached to the annular chamber so as to be closer to the rotation axis than the annular chamber when the separation container cooperates with a rotor of a centrifuge, wherein the distribution channel communicates with the annular chamber via an opening located at the inner circumference of the annular chamber."

In HOLMES, the collection containers as well as the blood supply tube 412 are directly connected to either the inner sidewall 372 (ports 392, 520) or to the outer sidewall 376 (port 420) of the separation container, and not through a distribution channel adjacent to the separation container.

HOLMES therefore does not anticipate claims 30-42 and 56-59.

B - Claims 30-42 and 56-59 are rejected under 35 U.S.C. 103(b) as being anticipated by Unger et al, US 4,990,132 (later UNGER).

UNGER shows and describes a set of containers for plasmapheresis, comprising:

- An annular separation container 1 having an inner and an outer peripheries;
- A circular collection container 3 fitting within the inner periphery of the separation container 1;
- A tube 7 directly connecting the two containers 1 and 3;
- A supply tube 4 directly connected the separation container 1.

It is immediately apparent from figure 2, that the separation container of UNGER does not comprise "a distribution channel attached to the annular chamber [of the separation container] so as to be closer to the rotation axis than the annular chamber when the separation container cooperates with a rotor of a centrifuge, wherein the distribution channel communicates with the annular chamber via an opening located at the inner circumference of the annular chamber."

At least for this reason, UNGER does not anticipate claims 30-42 and 56-59.

C - Claims 30-42 and 56-59 are rejected under 35 U.S.C. 103(b) as being anticipated by Tie et al, US 4,480,995 (later TIE).

TIE diagrammatically shows and describes a set of containers for apheresis, comprising:

- An annular, belt-like, separation container 14 having an inner wall and an outer wall;
- Four collection containers 16, 18, 20, 22 directly connected to the inner wall of the separation container 14, through tubes 66, 68, 70;
- A blood supply tube 12 directly connected to the inner wall of the separation container 14.

TIE does not describes nor shows "a distribution channel attached to the annular chamber [of the separation container] so as to be closer to the rotation axis than the annular chamber when the separation container cooperates with a rotor of a centrifuge, wherein the distribution channel

communicates with the annular chamber via an opening located at the inner circumference of the annular chamber.”

At least for this reason, TIE does not anticipate claims 30-42 and 56-59.

D - Claims 30-42 and 56-59 are rejected under 35 U.S.C. 103(b) as being anticipated by WO 01/02037 (later HÖGBERG).

HÖGBERG shows and describes a set of containers for blood processing, comprising:

- An annular separation container 4/22 having an inner and an outer peripheries;
- One collection container 33 connected by a tube 32 directly to the separation container 1, at the inner periphery thereof;
- A supply tube 31 directly connected the separation container 1, at the inner periphery thereof.

HÖGBERG does not describes nor shows “a distribution channel attached to the annular chamber [of the separation container] so as to be closer to the rotation axis than the annular chamber when the separation container cooperates with a rotor of a centrifuge, wherein the distribution channel communicates with the annular chamber via an opening located at the inner circumference of the annular chamber.”

At least for this reason, HÖGBERG does not anticipate claims 30-42 and 56-59.

All of the objections/rejections presented in the Office Action of March 3, 2006, have hereby been fully obviated/traversed, and can thus be withdrawn. Action to this end is respectfully requested so that claims 30-42 and 56-59 may then all be allowed and this case passed to issue. If there are any questions, or if prosecution can be expedited in any manner by a telephonic conference, the Examiner is urged to call the undersigned at the below-printed telephone number

It is believed that no other fees are due in connection with this amendment than indicated in §1 above, but if any are determined to be required, Applicants hereby provide authorization to charge deposit account number 03-2316 for such fees.

Applicant respectfully requests that a timely Notice of allowance be issued in this case.

Respectfully submitted,

By 

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